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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,013	07/07/2003	Wolf-Stephan Wilke	2003P00389US	4512

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EXAMINER

JOERGER, KAITLIN S

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,013

Applicant(s)

WILKE, WOLF-STEPHAN

Examiner

Kaitlin S Joerger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/8/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

Claim Objections

Claim 36 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 36 has identical claim language and depends from the same claim as claim 31, and therefore does not further limit the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-4, 6-9, 11-15, 20-22, 24-27, 29-31, 36-45 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3,573,748 to Holme.

The '748 patent teaches a method for sorting a plurality of mail items, comprising the steps of: determining destination addresses of mail items; sorting the mail items into delivery point groups at a first sorting machine; sorting into end points by destination address at a second sorting machine; conveying the mail items from end points to corresponding sections of a sectioned conveyor belt; conveying mail items to a distribution unit; and combining the mail items at the distribution unit, see column 7, lines 67 through column 8. If an end point is filled, an adjacent end point is used to accommodate mail items of a same destination address, see column 8, lines 16+.

The step of combining further comprises the step of bundling the mail items with a tying device, see column 8, lines 65+.

The method further comprises the step of applying a machine readable code to the mail items at or before the first sorter machine, where the machine readable code is read at the second sorter machine, see column 7, line 67 through column 8. The machine code comprises an identifier identifying at least a number of mail items sorted into at least one group at the first sorter. The identifier further relates to a destination address stored in data records of a database. The method further comprising the steps of reading the machine readable code at the second sorter machine; querying the database for a destination address associated with the code; retrieving the destination address; determining an end point for a mail item based upon the retrieved destination address; and sorting the mail into the end point, see column 8.

The method further comprises the steps of: storing destination addresses in data records of a database; associating distinguishing features of mail items with the data records comprising destination addresses of mail items, and wherein the step of sorting into end points further comprises the steps of: determining the distinguishing features; querying the database for data records matching the distinguishing features; retrieving destination addresses from the data records from the database, and sorting mail items according to the addresses, wherein this sorting step occurs at the second sorter, see column 8.

The '748 patent also teaches an apparatus for sorting mail items, comprising: means for determining destination addresses of mail items; means for sorting mail items into delivery point groups at a first sorting machine; means for sorting into end points by destination address at a second sorting machine; means for conveying the mail items from end points to corresponding sections of a sectioned conveyor belt; mean for conveying mails items to a distribution unit; and a means for combining the mail items at the distribution unit, see columns 6 and 7.

The combining means further comprises a bundling means, which is a tying device, see column 8, lines 65+.

The apparatus further comprises a means for applying a machine readable code to the mail items at or before the first sorter machine, a means for reading the machine readable code at the second sorter machine, see columns 6 and 7. The machine code comprises an identifier identifying at least a number of mail items sorted into at least one group at the first sorter. The identifier further relates to a destination address stored in data records of a database.

The apparatus further comprises a means for storing destination addresses in a database; means for associating distinguishing features of mail items with the data records; wherein the

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means for sorting into end points further comprises: means for determining the distinguishing features; means for querying the database for data records matching the features; means for retrieving destination address for the records; means for sorting items according to retrieved addresses, see column 8. The second sorter machine of Holme has a means for sorting the mail items according to the retrieved destination addresses.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,573,748 to Holme in view of US Patent Application Publication 2003/0155282 to Kechel.

The '748 patent teaches and method and apparatus for bundling the mail items during the combining step of the mail sorting process. The '748 patent, however, does not teach that the mail items can be wrapped in order to be bundled.

Kechel, does, however, teach this feature, see paragraph 0024. It would have been obvious to one of ordinary skill in the art to make the bundling apparatus of the '748 patent capable of wrapping the mail items during the bundling step, because, both tying and wrapping are equivalent forms of bundling.

Claims 10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,573,748 to Holme.

Holme teaches a machine readable code that can be either magnetic or optically coded. He does not specifically state that such a code is a bar code, however, the examiner asserts that a bar is a well known form of optical codes and it would have been obvious to one of ordinary skill in the art to use a bar code as an optically readable code in the method and apparatus of the '748 patent to Holme.

Claims 16, 17, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,573,748 to Holme in view of US Patent 5,422,821 to Allen et al.

The '748 patent does not teach a method or apparatus for dealing with incompatible mail items, but the '821 patent does. The '821 patent to Allen et al. teaches a device and method for automatically reading destination addresses of sorting machine incompatible mail items and transferring the incompatible mail items into sections associated with destination addresses of the incompatible mail items.

It would have been obvious to one of ordinary skill in the art to combine the method and apparatus of the '821 patent to Allen et al. with the device and method of the '748 patent to Holme in order to make the mail sorting process more efficient and less costly by removing the incompatible mail items before they are completely processed and bundled for delivery.

Claims 18, 19, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,573,748 to Holme in view of US Patent 6,241,099 to Hendrickson et al.

The '748 patent to Holme does not teach a method or apparatus to automatically transfer unaddressed mail items into section associated with unaddressed mail, but the '099 patent to Hendrickson et al. does.

In column 5, lines 30+ the '099 patent teaches the steps of transferring unaddressed mail items into sections associated with unaddressed mail items. It would have been obvious to one of ordinary skill in the art to include the unaddressed mail sorting device of the '099 patent in method and apparatus of the '748 patent to Holme if one desired to be able to efficiently handle mass mailings with no address.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S. Joerger whose telephone number is 571-272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

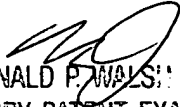
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ksj

9 June 2005


DONALD P. WALSHI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600